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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,672	05/31/2000	Bruce Hodge	56129050-3	2979
26453	7590	08/02/2004	EXAMINER	
BAKER & MCKENZIE			KISS, ERIC B	
805 THIRD AVENUE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	

2122

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

DETAILED ACTION

1. The reply filed on 30 April 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a) Applicant's supplemental declaration is noted. However, it does not identify the application by application number and filing date as required by the previous Office action.

b) Applicant's amendments to the claims begin with the instruction, "Please amend claims 1-21 and add new claim 22 as follows." However, this instruction is inconsistent with the subsequently presented claims as follows:

- i) claim 19 had been previously cancelled (and therefore, cannot be currently amended)
- ii) not all of remaining claims 1-20 and 21 have such indicated amendments (claims 2-11, 13-15, 20, and 21 are labeled as "previously presented" and 18 is labeled as "original")
- iii) claim 22 had been previously presented (and therefore, is not newly added)
- iv) claim 23 is a newly added claim.

Art Unit: 2122

c) Applicant's amendments to the claims (in particular, the cancellation of claim 12) do not comply with 37 CFR §1.121(c)(4)(i), which states, "No claim text shall be presented for any claim in the claim listing with the status of 'canceled' or 'not entered.'"

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR

1.136(a).

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EBK /EBK
July 21, 2004



**ANTHONY NGUYEN-BA
PRIMARY EXAMINER**

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